



UNITED STATES PATENT AND TRADEMARK OFFICE

ms

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/728,026

12/04/2003

Stephen E. Ronsheim

4098-6

8345

7590 12/13/2007
Woodard, Emhardt, Moriarty, McNett & Henry LLP
Bank One Center/Tower
Suite 3700
111 Monument Circle
Indianapolis, IN 46204-5137

EXAMINER

MACARTHUR, VICTOR L

ART UNIT	PAPER NUMBER
----------	--------------

3679

MAIL DATE	DELIVERY MODE
-----------	---------------

12/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10728026	12/4/03	RONSHHEIM, STEPHEN E.	4098-6

EXAMINER

Victor MacArthur

ART UNIT

PAPER

3679

20071211

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Responsive Reply with **NO NEW TIME PERIOD SET**

The reply filed on 10/10/2007 is not fully responsive to the prior Office Action because the reply does not appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final action. As detailed in the Ex parte Quayle mailed 2/2/2007 and further explained to the applicant in the Interview of 2/22/2007 (the summary of which was mailed 2/28/2007), and still further explained in the Notice of Non Responsive Reply mailed 9/1/2007, the applicant's drawings as described in the written description must provide proper antecedent basis for all claimed terminology such that the applicant must either amend the specification to refer to the drawings with terminology recited in the claims or amend the claims to use the terminology recited in the written description to describe the drawings. The Reply filed 10/10/2007 insists that the claimed elements are present in the drawings. However, the applicant refuses to amend the written description and/or claims such that the drawings, as described in the written description, provide antecedent basis for all claimed subject matter. Accordingly, applicant remains non-responsive to the Ex parte Quayle mailed 2/2/2007.

Since the period for reply set forth in the prior Office Action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.


Victor MacArthur
Patent Examiner
3679

then mailed February 28, 2007. The Applicant filed a Response to Office Action on March 1, 2007, which included a brief summation of the positions maintained by the Examiner and Applicant during the February 22 phone conversation. Again, Applicant contends that if an Interview Summary was needed, the summation presented at that time should have been sufficient. Then on June 5, 2007, the Examiner sent a Notice of Non-Compliant Amendment that included no record of the Applicant's Interview Summary being non-compliant.

The Examiner did not raise an issue regarding the Interview Summary until the current Detailed Action, which was over 6 months after Applicant's March 1 Response to Office Action was mailed and over 3 months after Examiner's Notice of Non-Compliant Amendment. As noted in the MPEP, "Examiners are expected to carefully review the applicant's record of the substance of the interview." MPEP § 713.04. It is respectfully submitted that the appropriate time to raising an issue regarding an insufficient Interview Summary would have been in the Examiner's first Action after Applicant's March 1 Response to Office Action. However, no such objection was raised in the Notice of Non-Compliant Amendment. Thus, the Applicant respectfully traverses Examiner's position that a further Interview Summary is necessary.

While the Applicant contends that an Interview Summary is not needed at this time, please let the following serve as such in order to more quickly move this application toward issuance. In a telephonic interview on February 22, 2007 between the Examiner and the undersigned, the undersigned sought clarity regarding the Examiner's position that the drawings did not illustrate every feature of the invention as specified in the claims. While the Examiner agreed that the Applicant could be his own lexicographer,

Interview
Record O.K.
Jm
12/11/07